

OGC Has Reviewed

1 March 1954

MEMORANDUM FOR: Deputy Chief, EE/Admin.

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SUBJECT : Shipment of Personal Automobile; [REDACTED]

REFERENCE : Your memorandum, same subject, dated 12 February 1954

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1. The reference requests the advice of this office as to whether a second automobile can be shipped for [REDACTED] from the U. S. to the overseas mission to which he is returning for a third consecutive tour. The facts are fully stated in the reference and need not be repeated here.

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2. You have already been informed by [REDACTED] of this office that we are of the opinion that a second automobile cannot be shipped for [REDACTED] under the stated circumstances. This memorandum is to set forth somewhat more fully our reasons.

3. Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (Public Law 110, 81st Congress) provides "Under such regulations as the Director may prescribe, the Agency with respect to its officers and employees assigned to permanent duty stations outside the U. S., its territories and possessions, shall -- (4) Notwithstanding the provisions of any other law, transport for or on behalf of, an officer or employee of the Agency, a privately-owned automobile in any case where it shall be determined that water, rail, or air transportation of the automobile is necessary or expedient for any part of, or all, the distance between points of origin and destination and pay the cost of such transportation."

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4. Statutory authority to ship privately-owned automobiles at Government expense from one post of duty to another has historically been narrowly construed. Accordingly, the question presented by the reference must be answered within the strict context of the cited section, which is the exclusive authority for this Agency to ship privately-owned automobiles intended only for personal use. We construe the cited section to authorize the shipment at Agency expense of not more than one automobile from a permanent post of duty in the United States to a permanent post of duty abroad, or from a permanent post of duty abroad to another such post, either abroad or in the United States. In [REDACTED]'s case, one automobile has already been shipped from the United States and, although his assignments have been at two separate points within the area of jurisdiction of the [REDACTED] his post 25X1C4c has at all times been abroad. The fact that he has, or will have served continuously overseas for three consecutive tours during the course of which time it could reasonably be anticipated that his automobile would have to be replaced, cannot enlarge upon privileges which are only creatures of statute.

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5. Accordingly, we would advise that a second automobile may not be shipped from the U. S. to [REDACTED] upon the occasion of [REDACTED] 25X1A9a
return for his third tour. However, if he should at his own expense ship to [REDACTED] the new automobile which he has recently acquired, this vehicle may be returned at Agency expense from [REDACTED] to the U. S. upon the completion of his present tour, at which time the reference states he will most likely be transferred PCS to Washington.

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[REDACTED]
Office of General Counsel

OGC/GHK:mm

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